

## **Filing a Formal EEO Complaint**

### **Where should I file my formal complaint?**

You can file your formal complaint with the Secretary of the Interior, the Director, Office of Civil Rights, the Director, Equal Employment Opportunity Office of the Bureau, or with your EEO Manager. If you file your complaint other than with the EEO Manager, your complaint will be referred to the EEO Manager for processing. EEO Managers are delegated responsibility to process EEO complaints. This is where processing begins. To expedite the processing of your complaint, you may send your complaint directly to the EEO Manager.

### **I don't trust my EEO Office to process my complaint correctly, can I file my complaint somewhere else?**

You should file your formal complaint with your EEO Manager. If you have concerns regarding the EEO Office's processing of your complaint, you should discuss your concerns with the EEO Manager. He or she will be able to answer any questions you might have.

### **Do I need to send my supporting documents when I file my formal complaint?**

No. In your formal written complaint, you should identify the claims brought to the EEO Counselor clearly and succinctly. You can save your supporting documents for the EEO Investigator.

### **Why does it take so long to get my case investigated?**

There are many variables in the processing of a complaint. The complaint must be reviewed to determine whether it meets all of the jurisdictional and procedural requirements of the EEO regulations. This is why it's important to state your claims clearly and succinctly with dates of the occurrences. Additionally, there are many people involved in the processing of the complaint: you, your representative, the EEO Investigator, witnesses, the Personnel Office, etc. The EEO Office must coordinate with everyone to schedule and complete the investigation. Sometimes uncontrollable delays occur during the coordination.

### **The EEO Investigator did not take a statement from all of my witnesses? Is this inappropriate?**

The EEO Investigator must maintain a focus on the accepted claims. While the Investigator will take statements from witnesses who can corroborate your claims, he or she may limit the number of witnesses; e.g., he or she will not take

statements from 10 people who all testify to the same thing. Three or four witnesses corroborating your statement may be sufficient.

### **My Investigator did not bring a court reporter to take my statement. Why?**

There are a variety of methods used to conduct EEO investigations. The use of a court reporter is just one method. Some Investigators take statements by affidavits, position papers, or other methods.

### **What should I tell the Investigator? How should I prepare?**

You should prepare for the investigation. Think about what you want to say and make notes so that you won't forget important points. You should tell the Investigator why you believe you were discriminated against on the alleged basis and why you believe you were treated differently from other similarly situated employees.

### **Will the Investigator decide my case?**

No. The EEO Investigator does not decide the merits of the case. He or she takes statements and affidavits and collects sufficient information from which a decision on the merits can be made.

## **Can I submit documents to the Investigator after he or she finishes?**

If you forgot to give the Investigator something, you may send it to the EEO Manager as soon as possible after the investigation. If you request a hearing, you can submit the documents to the Administrative Judge.

## **The EEO Office dismissed my case. Why did they do this if there was no investigation?**

Complaints are dismissed for procedural or jurisdictional reasons. Dismissals have nothing to do with the merits of the case.

## **The EEO Office did not capture my claim correctly, can it be changed?**

Yes. It is important that your claims are captured accurately. You should contact the EEO Office as soon as possible to clarify your claims.

## **I wrote several pages of what happened to me and attached this to my formal complaint. The EEO Office only chose two things I mentioned.**

Much of what you wrote is likely to be background information. It is important that your claims are identified with

clarity and specificity. The information you provide in your complaint and to the EEO Investigator will be used in assessing their merits of your complaint.

# **U.S. DEPARTMENT OF THE INTERIOR**

## ***EQUAL EMPLOYMENT OPPORTUNITY PROGRAM***

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### **FORMAL COMPLAINTS EMPLOYEE GUIDE**



For more information regarding the EEO Formal Complaint Process, please contact (202) 208-5693; TDD (202) 208-5998; or call your EEO Office at (775) 861-6584/6510.

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